

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

ANTWAN FORTENBERRY,

Defendant(s).

Case No. 2:14-cr-00387-JAD-NJK

NOTICE AND ORDER

Pending before the Court is Defendant's motion to suppress. Docket No. 33. The Court began an evidentiary hearing on that motion on May 6, 2015, and continued that hearing to today at 11:00 a.m. Docket No. 66. The Court issues this notice and order in preparation for the continued hearing.

As stated on the record at the initial hearing, this is an evidentiary hearing on the motion to suppress and not a discovery hearing. To the extent defense counsel believes that she lacks the necessary discovery to move forward competently with the evidentiary hearing, she must file a notice by 10:30 a.m. today so indicating. Any such notice shall also indicate the time period defense counsel believes will be needed to obtain discovery and/or resolve discovery disputes such that she will be ready to proceed with the evidentiary hearing.

If defense counsel does not file such a notice, the Court will construe such as an indication that defense counsel believes she has the necessary discovery to move forward competently with the evidentiary hearing. In that event, the evidentiary hearing will proceed as currently scheduled. During the evidentiary hearing, defense counsel must refrain from pursuing lines of inquiry related to whether

1 discovery has been produced. Similarly, the Court will not entertain further oral motions for production
2 of discovery (or any other discovery-related motion) during the evidentiary hearing. If defense counsel
3 believes that grounds exist to move to compel further discovery or for any other discovery-related
4 motion, she must file a written motion seeking that relief.

5 IT IS SO ORDERED.

6 DATED: May 7, 2015



8 NANCY J. KOPPE
9 United States Magistrate Judge